

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13705, of John W. Ridenour, III, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all day commuter parking (Sub-paragraph 4101.413) in an HR/SP-2 District at the premises 401-407 Massachusetts Avenue, N.W., (Square S-516, Lots 24, 23, 800, 805 and 842).

HEARING DATES: March 17 and April 28, 1982
DECISION DATE: May 5, 1982

DISPOSITION: The Board DENIED the application by a vote of 4-1 (Douglas J. Patton, Connie Fortune, Walter B. Lewis and Charles R. Norris to deny; William F. McIntosh opposed to the motion).

FINAL DATE OF ORDER: January 27, 1983

ORDER

A timely Motion for Reconsideration of the Board's denial of the subject application dated February 4, 1983, was received on February 7, 1983. The motion sets forth specific deficiencies in the condition of the lot as observed by members of the Board and cited in the Board's Order dated January 27, 1983. The motion further indicates the steps taken by the applicant to bring the lot into compliance. A statement from the proposed parking lot operator and a petition in support of the granting of the application were also attached to the motion.

Upon consideration of the applicant's motion, the record in the subject case and the Final Order of the Board, the Board concludes that the applicant's motion raises no materially different issues than those which were previously addressed by the Board.

The Board further concludes that it has committed no error in deciding the subject application. The Board held two public hearings on this case, the second of which was devoted entirely to the response of the applicant to the personal observations of members of the Board as to the condition of the lot. That issue is fully and completely addressed in the final Order. The motion attempts to

introduce new evidence into the record that the applicant has now brought the lot into compliance in response to the Board's concerns.

The Board concludes that the record was closed prior to the Board's decision. The Board finds no reason expressed why the evidence presented in the applicant's motion could not reasonably have been presented at the further hearing. The motion therefore does not constitute grounds for reconsideration or rehearing. Accordingly, it is ORDERED that the Motion for Reconsideration is DENIED.

DECISION DATE: March 2, 1983

VOTE: 3-0 (Douglas J. Patton and Charles R. Norris to deny; Walter B. Lewis to deny by proxy; William F. McIntosh abstaining; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR - 4 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

13705order/DISK PELZER